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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JEANNE LLERA and JORGE L. GOMEZ,
as the appointed co-special administrators of
the estate of JORGE A. GOMEZ; JEANNE
LLERA and JORGE L. GOMEZ,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; RYAN FRYMAN; DAN
EMERTON; VERNON FERGUSON;
ANDREW LOCHER; JOHN SQUEO and
DOES 2-10, inclusive,

Defendants.

Case Number:

2:20-cv-01589-RFB-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(FIFTH REQUEST)

Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of record, Eric Valenzuela, Esq., of Law Offices of Dale K. Galipo; Defendants LVMPD, Ofc. Fryman, Ofc. Emerton, Ofc. Ferguson and Ofc. Locher ("LVMPD Defendants"), by and through their counsel of record, Craig R. Anderson, Esq., of Marquis Aurbach; and Defendant Officer John Squeo ("Defendant Squeo"), by and through his counsel of record, Daniel R. McNutt, Esq. of McNutt Law Firm, P.C., hereby stipulate and request that this Court extend discovery deadlines in the above-captioned matter sixty (60) days, up to and including February 15, 2022. In support of this stipulation and request, the parties state as follows:

I. PROCEDURAL HISTORY

1. On August 29, 2020, the Plaintiffs filed their Complaint. ECF No. 1.

2. On October 1, 2020, the LVMPD Defendants filed their Answer to Plaintiffs' Complaint. ECF No. 11.

3. On November 20, 2020, this Court entered the Discovery Plan and Scheduling Order. ECF No. 14.

4. On February 17, 2021, Plaintiffs filed their First Amended Complaint in this matter. ECF No. 21. The First Amended Complaint named a new defendant – John Squeo.

5. On March 3, 2021, Defendants LVMPD, Fryman, Emerton, Ferguson and Locher filed their Answer to Plaintiffs' First Amended Complaint. ECF No. 25.

6. On March 17, 2021, new Defendant John Squeo filed his Answer to Plaintiffs' First Amended Complaint. ECF No. 29. Defendant Squeo is represented by new counsel and this Answer marked his first appearance in this litigation.

II. DISCOVERY COMPLETED TO DATE

1. The original parties participated in the FRCP 26 conference on November 13, 2020. Defendant Squeo did not participate as he was not named a defendant.

2. The parties agreed to stipulate to extend the time to serve Rule 26 disclosures until after LVMPD had completed its internal criminal investigation into the subject event and released its internal documents to defense counsel.

3. On November 20, 2020, the Court entered the Discovery Plan and Scheduling Order. ECF No. 14.

4. On January 5, 2021, the Plaintiffs served their Initial Disclosures of Witnesses and Documents pursuant to FRCP 26.

5. On January 5, 2021, the LVMPD Defendants served their Initial Disclosures of Witnesses and Documents pursuant to FRCP 26.

6. On January 5, 2021, the LVMPD Defendants served written discovery on all named Plaintiffs.

7. On January 6, 2021, the Plaintiffs served requests for production of documents on Defendant LVMPD.

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1 8. On February 1, 2021, the LVMPD Defendants served their first supplemental
2 disclosure.

3 9. On March 5, 2021, Plaintiffs served their responses to the LVMPD
4 Defendants' discovery requests.

5 10. On March 15, 2021, LVMPD served their individual responses to Plaintiffs'
6 written discovery.

7 11. On March 15, 2021 LVMPD served their second supplemental disclosure.

8 12. On March 17, 2021, John Squeo served a demand for all prior discovery
9 exchanged.

10 13. On March 29, 2021, Plaintiffs served requests for production of documents on
11 Defendant Squeo.

12 14. On March 30, 2021, Defendant Squeo provided his initial disclosures.

13 15. In April 2021, plaintiffs took the depositions of LVMPD witness officers
14 Connell, Luoto, Velasco, Oniate, Johnson, Perez, and Borggard.

15 16. In April and May 2021, plaintiffs took the depositions of LVMPD defendant
16 officers Locher, Ferguson, Squeo and Fryman.

17 17. On April 7, 2021, Defendant Squeo provided his first supplemental disclosure.

18 18. On April 14, 2021, Defendant Squeo served written discovery on Plaintiffs.

19 19. On April 19, 2021, Defendant Squeo provided his second supplemental
20 disclosure.

21 20. On April 28, 2021, Defendant Squeo responded to Plaintiffs' written
22 discovery.

23 21. On April 29, 2021, the LVMPD Defendants served their third supplemental
24 disclosure.

25 22. On May 6, 2021, the LVMPD Defendants served their fourth supplemental
26 disclosure.

27 23. On May 18 and 19, 2021, Plaintiffs responded to Defendant Squeo's written
28 discovery.

24. On May 26, 2021, the LVMPD Defendants served their fifth supplemental disclosure.

25. In June and July, 2021, Defendants took the depositions of all named plaintiffs.

26. On June 2, 2021, Plaintiffs responded to LVMPD Defendants' written discovery.

27. On June 28, 2021, the LVMPD Defendants served their sixth supplemental disclosure.

28. On June 29, 2021, Plaintiffs responded to Defendant Squeo's written discovery.

29. On July 12, 2021, Defendant Squeo provided his third supplemental disclosure.

30. On July 14, 2021, Defendant Squeo served written discovery on Plaintiffs.

31. On August 10, 2021, the LVMPD Defendants served their seventh supplemental disclosure.

32. On August 11, 2021, Plaintiffs responded to Defendant Squeo' written discovery.

33. On August 12, 2021, Plaintiffs served written discovery on Defendant LVMPD.

34. On August 12, 2021, Plaintiffs responded to Defendant Squeo's written discovery.

35. On August 16, 2021, LVMPD responded to Plaintiffs' written discovery.

36. On August 31, 2021, the LVMPD Defendants and Defendant Squeo served their joint expert disclosure.

37. On August 31, 2021, the Plaintiffs served their expert disclosure.

38. All parties have retained expert witnesses in this matter.

39. All parties have served numerous subpoenas on various third parties.

III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

This case involves the June 1, 2020, fatal officer involved shooting of Jorge A. Gomez, Jr. The parties have actively litigated his case for the past year. Recently, the parties disclosed

1 initial experts and the parties are in the process of serving rebuttal expert reports. The parties
 2 recently began discussing expert depositions and the remaining witness depositions. Due to
 3 competing schedules and the busy schedules of the parties' experts, it has proven difficult to
 4 find sufficient dates to complete all expert and witness depositions by the current November
 5 15, 2021 deadline. Recognizing that the depositions could not be scheduled by November 15,
 6 2021 deadline and due to the holidays, the parties agreed that a 60-day extension would
 7 provide sufficient time to complete the remaining discovery.

8 **IV. REMAINING DISCOVERY**

9 1. Plaintiffs need to take the depositions of the Defendants police practices expert
 10 and two rebuttal experts.

11 2. Defendants need to take the depositions of the Plaintiffs' police practices
 12 expert, medical expert, and any rebuttal experts.

13 3. Defendant Squeo intends to notice the depositions of at least four (4) LVMPD
 14 officers who witnessed portions of the events.

15 4. Plaintiffs are still waiting on a decision regarding their motion to compel
 16 LVMPD's Critical Incident Review Team Report. The production of that motion may require
 17 additional discovery.

18 This section does not limit the parties' ability to conduct other discovery.

19 **V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND** 20 **SCHEDULING ORDER**

21 LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling
 22 Order. Any stipulation or motion must be made no later than twenty-one (21) days before the
 23 expiration of the subject deadline, and comply fully with LR 26-4. The parties are submitting
 24 this request twenty-one (21) days before the expert deadline disclosure. Therefore, the parties
 25 respectfully request that the modification of a scheduling order be granted. The following is
 26 a list of the current discovery deadlines and the parties' proposed extended deadlines.
 27
 28

| Scheduled Event | Current Deadline | Proposed Deadline |
|---|-------------------|--|
| Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2) | October 14, 2021 | December 14, 2021 |
| Dispositive Motion | December 15, 2021 | February 15, 2022 |
| Discovery Cut-Off | November 15, 2021 | January 18, 2022 |
| Joint Pre-Trial Order | January 18, 2022 | March 18, 2022 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order) |

This request for extensions of time is not sought for any improper purpose or for purposes of delay. Due to firm trial settings and the availability of expert witnesses, it has proven difficult to complete the remaining discovery in the current time period.

WHEREFORE, the parties respectfully request that this court extend the discovery dates as outlined in accordance with the table above.

IT IS SO STIPULATED this 24th day of September, 2021.

MARQUIS AURBACH COFFING

LAW OFFICES OF DALE K. GALIPO

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 Daniel R. McNutt, Esq.
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 Attorney for Defendant Squeo

Order

IT IS SO ORDERED

DATED: 2:31 pm, September 27, 2021



BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE

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